



## ***Division of Public Health Services***

*Office of Health Systems Development*

1740 W. Adams Street, Room 302  
Phoenix, Arizona 85007  
(602) 542-1219  
(602) 542-2011 FAX

JANET NAPOLITANO, GOVERNOR  
CATHERINE R. EDEN, DIRECTOR

### **REQUEST FOR J-1 VISA WAIVER RECOMMENDATION**

#### **PRIMARY CARE PHYSICIAN**

#### **INFORMATION GUIDANCE**

The Bureau of Citizenship and Immigration Services (BCIS) of the U.S. Department of Homeland Security, successor to the Immigration and Naturalization Service of the U.S. Department of Justice, is the federal agency that grants J-1 visa waivers. The Arizona Department of Health Services (ADHS) J-1 Visa Waiver Program supports waivers for primary care physicians (family or general practice, pediatrics, obstetrics/gynecology, and general internal medicine) in federally designated Health Professional Shortage Areas (HPSA), Medically Underserved Areas (MUA), or Medically Underserved Populations (MUP), and for psychiatrists in mental health HPSAs. The (ADHS) J-1 Visa Waiver Program supports waivers for J-1 physicians in specialties when an exceptional need for the specialty is substantiated. Please refer to the State J-1 Visa Waiver program at [www.hs.state.az.us/hsd](http://www.hs.state.az.us/hsd) for the Information Guidance for Specialists. The Program does not support waivers for J-1 physicians in research positions or practicing in long-term care facilities, chronic care facilities, or rehabilitation facilities.

As of June 12, 2003, the Department of Health and Human Services (DHHS) is accepting applications for primary care physicians. For additional information on DHHS' program, please refer to <http://www.globalhealth.gov/newguidelines.shtml>.

The goal of the Arizona Department of Health Services (ADHS) J-1 Visa Waiver Program is to improve accessibility to health care for underserved areas by supporting J-1 visa waiver requests on behalf of foreign medical graduates who have obtained a J-1 visa for graduate medical studies in the United States ("J-1 physicians"). Based on the information provided with a request, ADHS may recommend a waiver of the requirement that a J-1 physician must return to the physician's home country for a period of two years after completing the graduate medical studies.

#### **ELIGIBILITY**

To be eligible, a J-1 physician must:

- Have an offer of full-time employment (at least 40 hours per week) at an eligible service site located in a federally designated Health Professional Shortage Area (HPSA) or in a federally designated Medically Underserved Area (MUA), or serving in a federally designated Medically Underserved Population (MUP),
- Begin employment at the approved service site within 90 days of receiving a J-1 visa waiver;
- Sign a contract to work at the approved service site full-time for a period of not less than three years, and
- Be eligible for an Arizona medical license.

To be eligible, a service site must:

- Have been operational and providing care for at least six months as of the date of the request for an ADHS recommendation;
- Be located in a federally designated HPSA or federally designated MUA, or serving in a federally designated MUP;
- Have tried to recruit a U.S. citizen physician for a minimum of six months before submission of the application and must be able to document recruitment efforts; and
- Use a sliding-discount-to-fee scale based on ability to pay for all patients of the facility.
- The sliding-discount-to-fee-scale must be based on the current U.S. Department of Health and Human Services Federal Poverty Guidelines as published in the Federal Register.

The employer and the J-1 physician must:

- Accept all patients regardless of method of payment, including AHCCCS (Medicaid) and Medicare assignment or ability to pay;
- Provide services to those who have no health insurance coverage;
- Charge patients at the usual and prevailing rates in this area; and
- Use a sliding-discount-to-fee scale based on ability to pay for all patients of the facility, not just for the patients of the J-1 physician.

If a service site does not meet all the requirements listed above, the site is not eligible. The ADHS J-1 Visa Waiver Program will not process a request for a visa waiver recommendation for a J-1 physician who will provide services at a service site that is not eligible.

Each federal fiscal year, October 1 through September 30, Arizona has 30 available slots for J-1 physicians. A service site is limited to two approved J-1 physicians per site per year. Primary care physicians or psychiatrists may fill at least 22 of the slots. Specialists providing full-time specialty services may fill at least seven slots. The program will retain one slot to be used by the discretion of the Department. If this slot is not used by June 30, it will revert to an available position and all applications will be considered.

The 2003-2004 state program will open on November 1, 2003. Complete applications received by ADHS or post-marked on or before the first business day in January 2004 will be considered. If any slots remain to be filled, applications received by ADHS or post-marked on or before the first business day in April 2004 will be processed. Each federal fiscal year the ADHS J-1 Visa Waiver Program will close when all the slots are filled.

### REVIEW OF APPLICATIONS

Requests for an ADHS recommendation will be reviewed for completeness, inclusion of all documents, appropriateness of the service site, the J-1 physician's type of practice or specialty, and adherence to the ADHS J-1 Visa Waiver Program and to federal guidelines.

A decision for a letter of support typically takes about 6 weeks. The J-1 physician and sponsoring employer will be notified by ADHS regarding the status of the application when the decision has been made.

### PREFERENCE POINTS

Preference points will be used when there are more applications than slots available. An application for a J-1 visa waiver recommendation will receive preference points based on the information in the application for an ADHS J-1 visa waiver recommendation. For details regarding the preference points criteria, please link to [www.hs.state.az.us/hsd](http://www.hs.state.az.us/hsd) and link to the J-1 State 30 program.

### AD HOC REVIEW COMMITTEE

A five-member review committee, consisting of three ADHS personnel selected under the authority of the ADHS Director, a representative from both the Arizona Rural Health Office, and the Association of Community Health Centers, will review requests for an ADHS J-1 visa waiver recommendation if:

- ADHS receives more than 22 applications for the primary care J-1 visa waiver slots, two or more applicants have equal preference points, and only one primary care slot remains to be filled; or
- ADHS receives more than seven applications for the specialist J-1 visa waiver slots, two or more applicants have equal preference points, and only one specialist slot remains to be filled.

The committee will base its decision on the needs of the community where each J-1 physician with equal preference points proposes to practice and the physician's ability to meet the needs.

#### ADHS HELD HARMLESS

ADHS reserves the right to deny support of a J-1 visa waiver application. If support is denied, ADHS will not forward the application to the U.S. Department of State (DOS) Waiver Review Division. ADHS does not bear any liability for the denial of support of a J-1 visa waiver application, including but not limited to the consequences arising from any practice arrangements or contracts entered into by the J-1 physician or proposed employer before or after requesting an ADHS J-1 visa waiver recommendation.

In the event that an application is denied, the Department will notify the J-1 physician of the denial via mail or e-mail and return the application to the lawyer of record or to the J-1 physician if the physician is not represented.

#### PROCEDURES FOR REQUESTING A J-1 VISA WAIVER

There are four (4) steps to processing a request for a J-1 visa waiver. Step 2 contains a list of items to be submitted to the ADHS J-1 Visa Waiver Program for state recommendation for a waiver.

**STEP 1.** Apply for a case number from Department of State. Please refer to Requirement #1 below.

**STEP 2.** Receive your case number and an instruction sheet from DOS.

The instruction sheet from DOS may include a list of documents that are required by the Waiver Review Division. ADHS requires the items listed below in order to consider the request for a letter of support. *If the DOS Waiver Review Division asks for an item that is not on the list below, be sure to include that item.*

**Your case number is very important.** Be sure to write the full case number on any documentation submitted and on the outside envelope of all future correspondence.

#### REQUIREMENTS ADHS requires the following documentation.

Please submit the items, in the order and quantity listed, to: Arizona Department of Health Services, J-1 Visa Waiver Program Manager, 1740 W. Adams, Room 302, Phoenix, AZ 85007.

#### **Please Note: WRITE YOUR CASE NUMBER ON EACH PAGE SUBMITTED.**

1. DS-3035, Review Application Form, Data Sheet. (current edition) Refer to <http://travel.state.gov/jvw.html>. Link to 'J-1 Visa Waiver Review Application' for the current data sheet and processing instructions. Please Note: DOS WILL ACCEPT ONLY CURRENT DATA SHEET APPLICATIONS. Applications with other versions of the Data Sheet will be returned to the sender without processing. ***Please provide two (2) copies.***
2. A letter from the head of the organization that wishes to hire the J-1 physician The letter should include this wording verbatim: (Name of Organization) "requests the Arizona Department of Health Services act as an interested government agency and recommend a waiver for the physician". . ***Please provide the original and one (1) copy.***
3. Valid contract of full-time employment from the time BCIS grants a waiver of the two-year home-country residency requirement.  
The contract must specify the service site where the J-1 physician will provide services. The contract must be for at least 3 years, 40 hours per week, and must specify that primary care services will be provided. Both the J-1 physician and the employer must sign the contract. The contract may not include a Non-Compete Clause. The contract may only be terminated for cause and may not be terminated by mutual agreement. The J-1 physician and the employer may not change, by contractual amendment or otherwise, the essential terms of the employment contract. Until the J-1 physician completes the three-year commitment, the J-1 physician must provide services:
  - I. At the service site specified in the employment contract,
  - II. To the patients specified in the employment contract, and
  - III. In the manner specified in the employment contract.***Please provide two (2) copies of the signed employment contract.***

4. Evidence that the facility is in a federally designated Health Professional Shortage Area (HPSA) or federally designated Medically Underserved Area (MUA) or serves in a federally designated Medically Underserved Population (MUP). Refer to <http://bphc.hrsa.gov/bphc/database.htm> for official listings of designated HPSAs, MUAs and MUPs. **Please provide two (2) copies.**
5. Legible copies of the physician's IAP-66/DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, forms, covering every period the physician was in J-1 status. IAP-66/DS-2019 forms must be submitted in chronological order with the "Begin a new program" first. **Please provide two (2) copies of each item.**
6. Curriculum Vitae. **Please provide two (2) copies.**
7. If an attorney represents a J-1 physician, a G-28, Notice of Entry of Appearance as Attorney or Representative, or a letter from a law office signed by the attorney representing the J-1 physician. **Please provide two (2) copies.**
8. A description of the J-1 physician's proposed responsibilities and schedule (hours per day and days per week). Provide a statement of how the J-1 physician's employment will satisfy important unmet needs, including the health care needs of the community and preventive programs the physician will initiate or continue that address health problems prevalent in the community, etc. **Please provide one (1) copy.**
9. Documentation demonstrating that the employer made a good faith effort to recruit a U.S. citizen primary care physician for the job opportunity in the same salary range for at least six (6) months before the request for an ADHS J-1 visa waiver recommendation and that the effort was not successful.  
The documentation may include advertisements or announcements in newspapers or professional journals, residency programs, etc. The employer must describe the recruitment efforts, including the number of U.S. citizen physicians who responded to the advertisements or announcements, the number of U.S. citizen physicians interviewed, and outcome of any interviews. The description of recruitment efforts must clearly demonstrate that the employer could not find a U.S. citizen primary care physician through traditional recruitment methods. **Please provide one (1) copy of advertisements or announcements and one (1) copy of the description of recruitment efforts.**
10. A J-1 Visa Waiver Request for Letter of Support Physician application and a J-1 Visa Waiver Request for Letter of Support Service Site application.  
Available at: [www.hs.state.az.us/hsd/visa\\_waiver](http://www.hs.state.az.us/hsd/visa_waiver). **Please provide the original of each application.**
11. A sliding discount-to-fee schedule and the procedure in place for its use.  
The sliding discount-to-fee schedule must be based on current Federal Poverty Guidelines available at: <http://aspe.os.dhhs.gov/poverty/03poverty.htm>. *Please Note: Discounts must be offered to all patients of all providers at the service site and not only to the patients of the J-1 physician.* An Encounter Report, indicating use of the sliding discount-to-fee schedule, must be filed with ADHS on a quarterly basis after the start of the J-1 physician's employment at the service site. **Please provide one (1) copy of the sliding discount-to-fee schedule and procedure.**
12. At least three current letters of community support for having the J-1 physician provide primary care services at the service site. Examples of letters of support include: letters from the county medical society and/or from a representative sample of providers in the service site area; and letters of support from any federally funded program (community health center, National Health Service Corps) or state funded program (loan repayment) in the service site area verifying that employment of the J-1 physician will benefit delivery of primary care services in the area. **Please provide the original of each letter.**
13. Copies of the J-1 physician's Arizona Medical license or Arizona Medical license application, if license is not yet issued.  
Contact the Arizona Medical Board at (480) 551-2700 or at: [www.azmboard.org](http://www.azmboard.org). **Please provide one (1) copy of the license or license application.**

**Please Note: WRITE YOUR CASE NUMBER ON EACH PAGE SUBMITTED.**

To ensure that a request for an ADHS J-1 visa waiver application will be considered. **ALL** required Step 2 items should be received by ADHS or post-marked on or before the first business day in January 2004. If any slots remain to be filled, applications received by ADHS or post-marked on or before the first business day in April 2004 will be considered. ADHS reserves the right to consider applications until all slots are filled.

**STEP 3.** If ADHS decides to support a J-1 visa waiver application, ADHS will submit all required documents and letters relating to the application to the DOS Waiver Review Division. At this point, ADHS is no longer directly involved in the process. ADHS will inform the J-1 physician or the representing attorney when this happens. The J-1 physician may check on application status **ONLY** by calling DOS at (202) 663-1600 and providing the case number. This telephone number is very busy, so keep trying.

In the event that an application is denied, the Department will notify the J-1 physician of the denial via mail or e-mail and return the application to the lawyer of record or to the J-1 physician if the physician is not represented.

**STEP 4:** The U. S. Department of State Waiver Review Division will send its recommendation directly to BCIS. The J-1 physician should receive a copy of that recommendation at the address listed on the J-1 physician's Data Sheet. The J-1 physician must provide the ADHS J-1 Visa Waiver Program Manager a copy of the J-1 Visa Waiver approval from BCIS.

Thank you for your interest in serving the medically underserved in Arizona.

For information regarding primary care HPSAs, MUAs, and MUPs, and mental health HPSAs, refer to: <http://www.hs.state.az.us/hsd/profiles/index.htm>.

For employment and sites that offer a sliding discount-to-fee scale, refer to the Sliding Discount-to-Fee Providers at: <http://www.hs.state.az.us/hsd>.

For additional information on the federal program:

<http://www.globalhealth.gov/exchangevisitor.shtml> or <http://www.travel.state.gov/jvw.html>

Other sources for job search are:

The Arizona Association of Community Health Centers: <http://www.aachc.org>

The University of Arizona Rural Health Office: <http://www.rho.arizona.edu/>

Rural Recruitment and Retention Network (3Rnet): [info@3Rnet.org](mailto:info@3Rnet.org)